



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/116,147

07/16/1998

LIUYANG YANG

2207/6039

2224

25693

7590

05/05/2004

KENYON & KENYON (SAN JOSE)

333 WEST SAN CARLOS ST.

SUITE 600

SAN JOSE, CA 95110

EXAMINER

LEE, Y YOUNG

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Mailed**

**MAY 05 2004**

**Technology Center 2600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 26

Application Number: 09/116,147  
Filing Date: July 16, 1998  
Appellant(s): YANG, LIUYANG

---

Stephen Neal  
For Appellant

---

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/29/04.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-25 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,148,026

PURI ET AL

11-2000

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Puri et al (6,148,026). This rejection is set forth in prior Office Action, Paper No. 2.

**(11) Response to Argument**

Appellant asserts on pages 4 and 5 of the Brief that Puri et al does not disclose excluding at least one sub-step from execution during an encoding pass for which that sub-step is unnecessary. However, according appellant's analyses of the two different circumstances on page 5 of the Brief, Examiner maintains that the invention of Puri et al is consistent with Appellant's disclosure in its broadest sense where sub-steps may be either excluded or disabled from execution:

(1) the first circumstance, in which data is recoded, Figure 1C of Puri et al discloses encoding the data using a smaller set of parameters to create a smaller set of mesh nodes. Thus, the remaining mesh node coding steps are excluded during the recoding pass for which these mesh node coding steps are deemed unnecessary; and

(2) the second circumstance, in which mesh node encoding is disabled, Figure 2A of Puri et al illustrates an alternative embodiment where compositor 440 may command the encoder 300 to exclude the sub-step of mesh node encoding from execution altogether because the entire mesh node encoding step is deemed unnecessary (see col. 6, lines 32-35 and 49-52).

Examiner acknowledges that Puri et al does not describe a method identical to that disclosed by appellants. However, claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983).

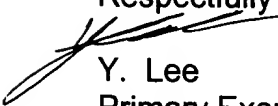
**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/116,147  
Art Unit: 2613

Page 5

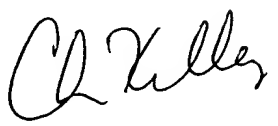
Respectfully submitted,

  
Y. Lee  
Primary Examiner  
Art Unit 2613

yl  
May 3, 2004

Conferees  
Chris Kelley—SPE  
Richard Lee—Primary Examiner

KENYON & KENYON (SAN JOSE)  
333 WEST SAN CARLOS ST.  
SUITE 600  
SAN JOSE, CA 95110

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

  
RICHARD LEE  
PRIMARY EXAMINER